

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 22-cr-359 (MJD/TNL)

Plaintiff,

v.

ORDER

Jason Steven Kearns,

Defendant.

This matter comes before the Court on Defendant Jason Steven Kearns' Motion for an Extension of the Time to File Pretrial Motions, ECF No. 15, and Motion and Statement of Facts in Support of Motion to Exclude Time Under the Speedy Trial Act, ECF No. 16.

Defendant requests that the deadline for filing pretrial motions be extended from January 11 to January 19, 2023. ECF No. 15 at 1. Defense counsel contends that he "has had insufficient time properly to review the discovery disclosed by the Government, and to consult with the incarcerated Defendant." *Id.* He also contends that Defendant has not yet been able to review discovery himself because he was unable to access the USB drive sent to him, and a second copy has been forwarded to him in hard-copy form. *Id.* Further, defense counsel notes that the parties are engaged in settlement discussions. *Id.* at 1-2. The Government has no objection to the requested continuance, *id.* at 1, but requested via email to have 14 days to respond to Defendant's motions.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy

trial and such continuance is necessary to provide the parties reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for an Extension of the Time to File Pretrial Motions, ECF No. 15, is **GRANTED**.

2. Defendant's Motion and Statement of Facts in Support of Motion to Exclude Time Under the Speedy Trial Act, ECF No. 16, is **GRANTED**.

3. The period of time from **January 11 through February 17, 2023**, shall be excluded from Speedy Trial Act computations in this case.

4. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **January 19, 2023**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Tony N. Leung.

5. Counsel shall electronically file a letter on or before **January 19, 2023**, if no motions will be filed and there is no need for a hearing.

6. All responses to motions shall be filed by **February 2, 2023**. D. Minn. LR 12.1(c)(2).

7. Any Notice of Intent to Call Witnesses shall be filed by **February 2, 2023**. D. Minn. LR 12.1(c)(3)(A).

8. Any Responsive Notice of Intent to Call Witnesses shall be filed by **February 7, 2023**. D. Minn. LR 12.1(c)(3)(B).

9. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

10. If required and subject to further order of the Court, the motions hearing shall be heard before Magistrate Judge Tony N. Leung on **February 17, 2023, at 10:00 a.m.**, in **Courtroom 9W**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota 55415. D. Minn. LR 12.1(d).

11. An arraignment hearing will be held before Magistrate Judge Tony N. Leung on **February 17, 2023, at 10:00 a.m.**, in **Courtroom 9W**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota 55415.

12. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:**
the following trial and trial-related dates are:

All voir dire questions and jury instructions must be submitted to District Judge Michael J. Davis on or before **February 27, 2023**.

This case must commence trial on **March 13, 2023, at 9:00 a.m.** before District Judge Davis in **Courtroom 13E**, U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Davis to confirm the new trial date.**

Dated: January 19, 2023

s/Tony N. Leung
TONY N. LEUNG
United States Magistrate Judge
District of Minnesota

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